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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,187	09/24/2003	Gregory B. Moore	RAR273.06	7229

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Gregory B Moore
340 Poplar Dr
Buchanan, TN 38222

EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/671,187

Applicant(s)

MOORE, GREGORY B.

Examiner

Lloyd A. Gall

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claims 2 and 21 are objected to because of the following informalities: In claim 2, line 2, "a" should be deleted. Claim 21 should apparently depend from claim 16, since claim 15 includes the subject matter of claim 21 and already depends from claim 14. In claim 21, line 2, there is no antecedent basis for "said interior surface".

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 6-9, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger et al (963) in view of either Kohn or Pickering.

It is first noted that throughout the claims, the door and the trailer are regarded by the examiner as being positively claimed. Leininger teaches in figure 4 a door locking system including a trailer door 212, a back plate member 204 releasably anchored to the door by bolts 214, a solenoid linear actuator 204 for a locking member 202, 260, a controller unit 228 including circuitry and componentry to control the system, a keypad 230 and a source of power 223. The locking member is received in a receptor 222 at the frame member of the trailer. With respect to claim 9, the figure 6 and 7 embodiment also teaches that the locking member 310 and back plate member 306 may be mounted on the trailer frame and engage the door 302 of the trailer. Kohn teaches in fig. 4 that a locking member 70 may have its second end releasably connected to an actuating rod

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57 by nuts 71. Pickering teaches that a locking member 70 may have its second end releasably connected to an actuating rod 84. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the locking member of Leininger et al (963) such that its second end is releasably connected to a separate actuating rod, in view of the teaching of either Kohn or Pickering, the motivation being to provide adjustability (the threaded connections between the locking member and actuating of Kohn and Pickering) for the extension length of the locking member.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger et al (963) in view of either Kohn or Pickering as applied to claim 1 above, and further in view of Lanigan et al (126).

Lanigan teaches that a locking member 66 is well known to be engageable with a tubular frame member 74, at the header of the trailer frame. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the locking system of Leininger et al such that its locking member may engage a tubular member at the header of the trailer, in view of the teaching of Lanigan et al (126), since either (header or threshold) location for the locking member of Leininger would function just as well. With respect to claim 5, the member 204 and 208 of Leininger are both tubular in shape as seen in figure 4.

Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger et al (963) in view of Kohn or Pickering as applied to claim 1 above, and further in view of Leininger (521).

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In fig. 6, Leininger teaches wireless radio communication 130, 172, 128, 126 for the locking member of a trailer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute a wireless radio communication for the key pad 230 of Leininger et al (963), in view of the teaching of Leininger (521), for convenience purposes in actuating the locking locking from a remote location.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger et al (963) in view of Kohn or Pickering as applied to claim 1 above, and further in view of Young (542).

Young teaches a two-part magnetic position switch 94, 96 on the door and door frame to control actuating of the solenoid 42, 44. It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a magnetic switch with the door and solenoid of Leininger et al (963), in view of the teaching of Young, the motivation being to ensure that the door is completely closed before the solenoid is actuated. With respect to claim 15, to use two magnets with the switch of Leininger et al (963) as modified by Young would have been obvious to one of ordinary skill in the art.

Claims 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leininger et al (963) in view of Kohn or Pickering, Young and Lanigan et al (126).

All of the references have been described above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the locking member of Leininger et al such that its second end is releasably connected to a separate actuating rod, in view of the teaching of either Kohn or Pickering, the motivation being to

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provide adjustability for the locking member. It would have been obvious to provide a position switch with the locking system of Leininger et al, in view of the teaching of Young, the motivation being to ensure that the door is completely closed before the solenoid is actuated. The use of two magnets would have been obvious to one of ordinary skill in the art. It would have been obvious to modify the system of Leininger et al such that its locking member may engage a tubular member at the header of the trailer, in view of the teaching of Lanigan et al (126), since either (header or threshold) location for the locking member of Leininger et al would function just as well. With respect to claim 19, the member 204 and 208 of Leininger are both tubular in shape.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

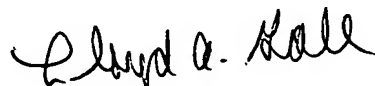
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd A. Gall whose telephone number is 703-308-0828 and after April 2005 at 571-272-7056. The examiner can normally be reached on Monday-Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 703-308-2151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LG LG
February 7, 2005


Lloyd A. Gall
Primary Examiner